

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICROSOFT CORPORATION, ) CASE NO. 1:06-CV-611  
a Washington corporation, )  
Plaintiff ) JUDGE MICHAEL R. BARRETT  
vs. )  
MARK MCGEE, an individual, ) MOTION FOR ENTRY OF DEFAULT  
d/b/a COMPUTERME.NET, ) AGAINST DEFENDANT MARK  
Defendant ) MCGEE, D/B/A COMPUTERME.NET  
 ) WITH DECLARATION IN SUPPORT  
 ) [Fed.R.Civ.P. 55(a)]  
 )

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Microsoft Corporation, a Washington corporation (“Microsoft”), moves for the entry of default against Defendant Mark McGee, an individual, d/b/a ComputerMe.net on the grounds that said Defendant has failed to respond to or defend against Microsoft’s Complaint filed herein.

This Motion for entry of default is based upon this Motion, the Declaration of Robert E. Chudakoff attached hereto and incorporated by reference herein, the Complaint, and all other papers and pleadings filed herein with the Court.

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OF COUNSEL:

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Attorneys for Plaintiff  
Microsoft Corporation

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2006, the foregoing Motion for Entry of Default Against Defendant Mark McGee, d/b/a ComputerMe.net with Declaration in Support was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system as well as regular U. S. Mail. Parties may access this filing through the Court's system. A copy of this Request has been sent this date by regular U.S. Mail, postage prepaid, to the following:

Mark McGee  
d/b/a ComputerMe.net  
526 Bailey Street  
Hamilton, Ohio 45011

Defendant, *Pro Se*

*s/ Robert E. Chudakoff*

Robert E. Chudakoff (0038594)  
Ulmer & Berne LLP

Attorney for Plaintiff  
Microsoft Corporation

UNITED STATES DISTRICT COURT  
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WESTERN DIVISION

MICROSOFT CORPORATION, ) CASE NO. 1:06-CV-611  
a Washington corporation, )  
Plaintiff ) JUDGE MICHAEL R. BARRETT  
vs. )  
MARK MCGEE, an individual, ) **DECLARATION OF ROBERT E.**  
d/b/a COMPUTERME.NET, ) **CHUDAKOFF IN SUPPORT OF**  
Defendant ) **PLAINTIFF MICROSOFT'S REQUEST**  
 ) **FOR ENTRY OF DEFAULT AGAINST**  
 ) **DEFENDANT MARK MCGEE, D/B/A**  
 ) **COMPUTERME.NET**  
 )  
 ) [Fed.R.Civ.P. 55(a)]

I, Robert E. Chudakoff, declare as follows:

1. I am an attorney licensed to practice before all of the courts in the State of Ohio and admitted to practice before this Court. I am a partner in the law firm of Ulmer & Berne LLP, attorneys of record for Plaintiff Microsoft Corporation, a Washington corporation ("Microsoft"), in the above-entitled action. As one of the attorneys at Ulmer & Berne LLP with primary responsibility for the representation of Microsoft in this matter, I have personal knowledge of the facts set forth below, and if called as a witness, I could testify truthfully to the following facts.

2. Microsoft filed its Complaint (the "Complaint") on September 15, 2006, against Defendant Mark McGee, an individual, d/b/a ComputerMe.net ("Defendant"). The Complaint alleges that Defendant unlawfully distributed counterfeit and infringing versions of Microsoft's copyrighted and trademark protected software.

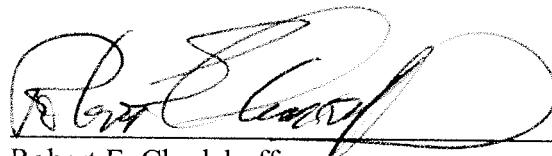
3. Defendant was served personally with the Summons and Complaint on September 15, 2006. The executed Return of Service of the Summons was filed with this Court on September 18, 2006.

4. To date, Defendant has not filed any response to Microsoft's Complaint.

5. Because Defendant has not served or filed a valid answer or other response to the Complaint, despite the passage of more than twenty (20) days, Microsoft respectfully requests, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, that the Clerk of this Court enter the default of Defendant Mark McGee, an individual, d/b/a ComputerMe.net.

I declare under penalty of perjury under that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of December, 2006 in Cleveland, Ohio.



Robert E. Chudakoff

Submitted by:

s/ Robert E. Chudakoff

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